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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE, Plaintiff and Respondent, v. RAJOHN C. DOUGLAS, Defendant and Appellant.	B211221 (Los Angeles County Super. Ct. No. VA103562

APPEAL from a judgment of the Superior Court of Los Angeles County, Robert J. Higa, Judge. Affirmed.

Murray A. Rosenberg, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Scott A. Taryle and E. Carlos Dominguez, Deputy Attorneys General, for Plaintiff and Respondent.

Rajohn C. Douglas appeals from the judgment entered following a jury trial in which he was convicted in counts 1 and 2 of second degree robbery (Pen. Code, § 211) and in count 3 of second degree commercial burglary (Pen. Code, § 459) with the finding that during the commission of these offenses, a principal was armed with a firearm, a handgun, within the meaning of Penal Code section 12022, subdivision (a)(1). He was also convicted in count 4 of second degree robbery (Pen. Code, § 211) and in count 6 of second degree commercial burglary (Pen. Code, § 459) with the finding that during the commission of these offenses he personally discharged a handgun within the meaning of Penal Code section 12022.53, subdivision (c). In a bifurcated proceeding, appellant admitted he suffered a prior felony conviction within the meaning of Penal Code section 667.5, subdivision (b). He was sentenced to prison for a total of 29 years and contends there was insufficient evidence to support his conviction on counts 1 through 3. For reasons stated in the opinion, we affirm the judgment.

FACTUAL AND PROCEDURAL SUMMARY

Counts 1–3

Amy Huynh owned a jewelry store in the City of Artesia, County of Los Angeles. Every morning before opening the store, she would remove the jewelry from the safe, clean all of the counters, and mop the floor.

On September 27, 2007, she was working at the store with her sister, Rose Huynh. At approximately 12:00 noon, two African-American women entered the store, asked some questions, and left after approximately five minutes without making any purchases. Thereafter, an African-American man walked into the store and asked the Huynhs if they cleaned jewelry. He was dressed in black pants and a black hooded jacket, with the hood down. The Huynhs told him they did not clean jewelry. As he walked toward the door, he asked if they sold stud earrings. The man's phone rang, and when he answered it, he said, "Yes, ma'am." Amy Huynh felt "something [was] not right," and picked up the portable "alarm system" and put it around her neck. When he saw her do this, the man jumped over the counter and pulled her down to the floor. Holding a gun to her neck, he told her to be quiet. He removed the alarm from around her neck and threw it onto the

floor. He pulled both women back into the main store area and ordered them to let his companion into the store. Rose Huynh showed the man holding the gun the button to push to open the door, and the second man entered the store.

The second man was also African-American, dressed the same as the first, but with his hood over his head. Upon entering the store, he jumped over the counter. When the glass broke, he fell into the display case. He then jumped out taking three or four trays of gold jewelry. After both men left the store, Amy Huynh heard one gunshot from outside. During the robbery Amy Huynh injured both of her knees, her neck, arm, and face. She described the gun used as silver in color.

Salvador Jimenez, a fingerprint technician from the Los Angeles County Sheriff's Department, arrived at the jewelry store and spoke to the victims who directed him to the areas they believed were touched by the suspects. Jimenez lifted 11 prints off the shattered display case, one print from another display case, and one from a cell phone that had been dropped during the robberies.

Donna Brandelli, a forensic identification specialist assigned to the Los Angeles County Sheriff's Department Scientific Services, did a comparison of the latent fingerprints from the crime scene with a known fingerprint exemplar. On February 22, 2008, she rolled appellant's prints. She then compared this exemplar to an exemplar from a computerized database, the Automated Fingerprint Identification System, and determined the exemplars were made by the same person.[1] Brandelli also compared the latent prints taken from the crime scene with the exemplar from the computerized database, conducting a detailed comparison, and determined two of the latent prints

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[1] Defense counsel objected to any reference to the known exemplar because, "We don't know where it came from, if it came from thin air, when [appellant] got out of prison. . . ." When the court observed that the defense should not want the prosecutor "to say this exemplar came from when [appellant] was in prison either," defense counsel agreed. The court observed that it did not matter where the known exemplar print came from as long as the prints taken on February 22 were compared to it and were the same.

matched appellant's prints. Brandelli was the fourth person to make and sign off on the comparison.

Counts 4 and 6

Karen Shabazyan owned a jewelry store in Glendale in the County of Los Angeles. Most of his customers were Armenian. Over the past seven years, because of the neighborhood in which the store was located, Shabazyan had had only approximately ten or twelve African-American customers in the store. On October 15, 2007, at approximately 3:30 p.m., an African-American woman entered the store and asked a question about "bangles." Shabazyan said he did not have bangles but could order them for her. The woman responded that she would talk to her husband and that she would return. While at the store, she talked on a cell phone.

Shortly thereafter, appellant entered the store, took off his ring and asked if Shabazyan would clean it. Shabazyan understood the question to be "shining or polishing," and he responded that he could not. Appellant was wearing jeans and a black, hooded sweatshirt, with the hood down. Appellant then produced a chrome firearm, jumped over the display case, and ordered Shabazyan to lie down on the floor. Appellant slowly moved to the back of the store, where the safe was located, and called to his friend, who was outside the store, to enter. Since appellant had left the door open, his companion could enter. Appellant's companion was an African-American male who was dressed in the same manner. After appellant's companion entered the store, both men pulled their hoods over their heads.

Appellant jumped over a display case one more time and, with his gun pointed at Shabazyan's back, ordered him to turn around. Meanwhile, appellant's companion pulled jewelry off the wall. Appellant was gathering jewelry when Shabazyan pushed the alarm button. Immediately, appellant's companion jumped over the display case and ran out of the store, calling out to appellant to leave. After appellant's companion left the store, the door automatically closed behind him and appellant was locked in the store with Shabazyan. Appellant appeared to be confused and disoriented and started hitting the glass portion of the display case with the handle of his gun. The glass did not break,

and appellant jumped over the display case and started to hit another case. After the glass broke, appellant frantically gathered everything in the display case, including the broken glass, cutting his hands and bleeding "all over the place." Appellant attempted to leave the store but found out he was locked in. He tried to open the door with his hand and left bloodstains on the handle of the door. He shot four or five times at the lock. Appellant was finally able to leave the store after he broke a window with his gun. Shabazyan followed appellant and saw him enter a waiting vehicle, which then drove off. DNA from the blood at the crime scene matched appellant's DNA. Shabazyan identified appellant as the robber in a photographic line-up.

DISCUSSION

Appellant contends there was insufficient evidence to support his convictions in counts 1 through 3. Specifically he claims there was insufficient evidence identifying him as one of the perpetrators. "The standard of review is well settled: On appeal, we review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. [Citations.] '"[I]f the verdict is supported by substantial evidence, we must accord due deference to the trier of fact and not substitute our evaluation of a witness's credibility for that of the fact finder."' [Citation.] 'The standard of review is the same in cases in which the People rely mainly on circumstantial evidence. [Citation.] "Although it is the duty of the jury to acquit a defendant if it finds that circumstantial evidence is susceptible of two interpretations, one of which suggests guilt and the other innocence [citations], it is the jury, not the appellate court which must be convinced of the defendant's guilt beyond a reasonable doubt."' [Citation.]" (*People v. Snow* (2003) 30 Cal.4th 43, 66.)

"'"'If the circumstances reasonably justify the trier of fact's findings, the opinion of the reviewing court that the circumstances might also be reasonably reconciled with a contrary finding does not warrant a reversal of the judgment."' [Citations.] "Circumstantial evidence may be sufficient to connect a defendant with the crime and to

prove his guilt beyond a reasonable doubt." [Citation.]' [Citations.]" (*People v. Figueroa* (1992) 2 Cal.App.4th 1584, 1587.) "The California Supreme Court has repeatedly emphasized that fingerprints are the strongest evidence of identity and ordinarily are sufficient by themselves to identify the perpetrator of the crime. [Citations.]" (*People v. Figueroa, supra,* 2 Cal.App.4th at p. 1588.)

Sufficient evidence supports the finding appellant was the perpetrator of the burglary and two robberies committed on September 27, 2007. Expert testimony established that two of appellant's prints were found on the display counter that had been wiped clean before the opening of the store. Additionally, these crimes were remarkably similar to the robbery and burglary of the Glendale jewelry store, which appellant does not dispute he committed and for which appellant's guilt was established by DNA evidence and a positive identification by the victim. In both the Artesia and the Glendale crimes, the suspects had similar descriptions and wore similar clothing, including black, hooded sweatshirts. The suspects in both incidents had a similar modus operandi. In both, African-American females entered the store shortly before the robberies, asked questions and left without making any purchases. Additionally, in both instances, the first robber entered the store asking if the proprietors cleaned jewelry, apparently as a pretext. In both instances, the first armed robber was joined by an accomplice and in both, the armed perpetrator used a silver-colored gun. We conclude the evidence was more than sufficient that appellant committed the crimes on September 27, 2007.

DISPOSITION

The judgment is affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

SUZUKAWA, J.